

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION**

SHEILA LEWIS,  
Individually and on behalf of a class of  
Persons similarly situated,

Plaintiff,

vs.

SCOTBILT HOMES, INC. and  
GEORGIA STATE OFFICE OF  
INSURANCE AND SAFETY FIRE  
COMMISSIONER,

Defendants.

Civil Action No.: 5:10-CV-016

---

**DEFENDANT SCOTBILT'S MOTION TO DISMISS**  
**PLAINTIFF'S FIRST AMENDED COMPLAINT**

DEFENDANT SCOTBILT HOMES, INC. (hereinafter "Scotbilt") pursuant to Rules 12 and 9 of the Federal Rules of Civil Procedure, moves the Court to dismiss this action. For the reasons set forth in the attached Memorandum of Law in Support of Scotbilt's Motion to Dismiss, Plaintiff's First Amended Complaint fails to state any claim upon which relief may be granted.

RESPECTFULLY SUBMITTED this 22nd day of December, 2010.

GILBERT, HARRELL, SUMERFORD &  
MARTIN, P.C.

s/ Jeffrey S. Ward

Wallace E. Harrell

Georgia Bar No.: 328800

James L. Roberts, IV

Georgia Bar No.: 608580

Jeffrey S. Ward

Georgia Bar No.: 737277

Jason M. Tate

Georgia Bar No. 250827

777 Gloucester Street  
Post Office Box 190  
Brunswick, Georgia 31520  
Telephone: (912) 265-6700  
Facsimile: (912) 264-3917

*ATTORNEYS FOR DEFENDANT  
SCOTBILT HOMES, INC.*

CONNER AND JACKSON, PC  
Neal L. Conner, Jr.  
Georgia Bar No.: 182000

P.O. Box 1278  
Waycross, GA 31502  
Phone: (912)-283-4394  
Fax: (912)-285-9813

*ATTORNEYS FOR DEFENDANT  
SCOTBILT HOMES, INC.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> day of May 2010, I electronically filed the foregoing  
**DEFENDANT SCOTBILT'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED**  
**COMPLAINT** with the Clerk of the Court using the CM/ECF system, which will send  
notification of such filing to all counsel of record.

The following have been notified via U.S. Mail:

Joe R. Whatley, Jr., Esq.  
Edith M. Kallas, Esq.  
WHATLEY DRAKE & KALLAS, LLC  
1540 Broadway, 37<sup>th</sup> Floor  
New York, New York 10036

W. Tucker Brown, Esq.  
Sara C. Hacker, Esq.  
WHATLEY DRAKE & KALLAS, LLC  
1000 Park Place Towers  
2001 Park Place North  
Birmingham, Alabama 35203

Lynn W. Jinks, III, Esq.  
Nathan A. Dickson, II, Esq.  
JINKS, CROW & DICKSON, PC  
P.O. Box 350  
Union Spring, AL 36089

David Selby, II, Esq.  
KEE & SELBY LLP  
1900 International Park, Suite 220  
Birmingham, AL 35243

This 22nd day of December, 2010.

**s/ Jeffrey S. Ward**  
Jeffrey S. Ward  
Georgia Bar No.: 737277

Post Office Box 190  
Brunswick, Georgia 31520  
(912) 265-6700